IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8198 of 2004

Between:

N. Seshaiah, S/o. N. Subbaih, Hindu,
R/o. Pothuraju Palam, Near Agraharam Gate, Ongole, Prakasam District.

..... PETITIONER

AND

1 The Principal Secretary to Govt, Home Department,

Secretariat, Hyderabad.
2 The Superintendent of Police, Ongole, Prakasam District.
3 The Circle Inspector of Police, Addanki Police, Prakasam District.
4 The Sub Inspector of Police, Medarametla Police Station, Koripadu, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to order or direction more particularly issue Writ of Mandamus declaring in action of the respondents in not proceeding further in to the Investigation in Cr.No.37/2001 dt.5-8-2001 of Korcipadu, P.S., Prakasam District Registered Under Section 174 Cr.P.C. even though it is a case of homicide of Nawahara Murali, P.C.No.1713, as being illegal, Unjust, arbitrary and violation of article 14 and the provisions of Cr.P.C. pertaining to cognizable and non bailable offence it is amounting to dereliction of duties

Counsel for the Petitioner: KOTHAPALLI RAM MOHAN CHOWDARY

Counsel for the Respondents: GP FOR HOME

The Court made the following:

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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Complaining inaction on the part of the police in investigating into the death of petitioner's son viz., Narahara Murali, who was married to one Malleswari, daughter of late Venkatasubbaiah of Ongole, the petitioner filed the present writ petition alleging that the petitioner's daughter-in-law and her mother and others brutally murdered his son on 05-08-2001. He made a complaint to the Sub-Inspector of police, Medarametla Police Station, 4th respondent on 05-08-2001. The 4th respondent refused to register the case against the persons mentioned in the complaint, but he was informed that a case under Section 174 Cr.P.C. in Crime No.37 of 2001 was registered. Therefore, he made a representation to the 2nd respondent for taking necessary action. Though a crime under Section 174 of Cr.P.C., has been registered, the respondents did not proceed with the investigation.

The Assistant Sub-Inspector of Police of Medarametla Police Station filed a counter-affidavit on behalf of the respondents, stating that after registering the crime and during the course of investigation, it is revealed that the deceased committed suicide by hanging and the Doctor Certificate obtained from the Assistant Surgeon, Government Head Quarter Hospital, Ongole, also discloses that the cause of death is due to "Asphyxia due to hanging". In view of the

same, necessary report was submitted to the Executive Magistrate, Korishapadu for necessary orders.

In view of the same, the respondents are directed to submit the said report before the Magistrate after completion of the formalities and communicate a copy of the said report to the petitioner within a period of three weeks from the date of receipt of a copy of this order. On submission of the said report, the petitioner can file a petition before the Magistrate concerned, who can take appropriate action in accordance with law.

The Writ Petition is accordingly disposed of.

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KVR 16th July, 2004

To

1 The Principal Secretary to Govt, Home Department,

Secretariat, Hyderabad.
2 The Superintendent of Police, Ongole, Prakasam District.
3 The Circle Inspector of Police, Addanki Police, Prakasam District.
4 The Sub Inspector of Police, Medarametla Police Station, Koripadu, Prakasam District.

5 Two C.Cs to the G.P. for Home, High Court of A.P. Buildings, High Court of

A.P., Hyderabad. (O.U.T.)

6 Two C.D.copies.